

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

BARBARA SCOTT,	§	No.
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
ASSOCIATED CREDITORS EXCHANGE,	§	
INC.,	§	
	§	
Defendant.	§	

**PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, BARBARA SCOTT (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, ASSOCIATED CREDITORS EXCHANGE, INC. (Defendant):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

### **PARTIES**

6. Plaintiff is a natural person residing in Amarillo, Potter County, Texas.
7. Plaintiff is a consumer as that term is defined by 15 *U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by 15 *U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Phoenix, Arizona.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

11. Defendant is attempting to collect a debt from Plaintiff on behalf of the original creditor, US Bank (Defendant's file #: 604511-4).
12. Plaintiff's alleged debt owed to US Bank arises from transactions for personal, family, and household purposes.
13. Starting in approximately February of 2011, Defendant began calling Plaintiff in an attempt to collect the debt owed to US Bank.
14. Defendant called Plaintiff from 800-280-3800, and called Plaintiff at 806-584-2659.
15. On or about May 20, 2011, Defendant left a message for Plaintiff, in an attempt to collect a debt, that failed to disclose the caller's identity. *See* Defendant's transcribed voicemail message which is attached as Exhibit A).
16. On or about May 20, 2011, Defendant left a message for Plaintiff, in an attempt to collect a debt, that threatened to seize money from the equity in Plaintiff's home. Defendant

specially threatened Plaintiff that, “Since you have a mortgage evidently you are able to pay us because whatever you have in equity we can get our money out of there.” *See* Exhibit A.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller’s identity.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- d. Defendant violated §1692e(5) of the FDCPA by threatening to take action against Plaintiff even though Defendant has not and does not intend to take such action.
- e. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.

WHEREFORE, Plaintiff, BARBARA SCOTT, respectfully requests judgment be entered against Defendant, ASSOCIATED CREDITORS EXCHANGE, INC., for the following:

18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
19. Costs and reasonable attorneys’ fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
20. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, BARBARA SCOTT, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Michael S. Agruss  
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**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF TEXAS

Plaintiff, BARBARA SCOTT, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, BARBARA SCOTT, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

7-6-2011

Date

Barbara J. Scott

BARBARA SCOTT

# **EXHIBIT A**

**Barbara Scott v. Associated Creditors Exchange, Inc.**

Listen Barbara Scott, this is Ms. Flemings and I believe I left this same message on yesterday for you to get back to us due to the fact that you have a US Bank debt that sits in my office and you haven't paid as on 02-22 of 2010. It's \$9876 and I would really appreciate a return phone call. Since you have a mortgage evidently you are able to pay us because whatever you have in equity we can get our money out of there. Reach Ms. Flemings, I'm a debt collector and this is an attempt to collect on a the debt, any information obtained will be used for that purpose and all of our calls are monitored and recorded. Reach me at 800-280-3800, extension 44051; 604511-4 is your file number. You need to use the phone, okay? You need to do what you need to do lady.